

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN DOE, M.D.,

Plaintiff,

v.

CASE NO. 21-cv-13032-GAD-CI
Hon. Gershwin A. Drain

THE BOARD OF REGENTS OF
THE UNIVERSITY OF MICHIGAN,
MARIE LOZON, M.D., and JUSTIN
DIMICK, M.D., Individually,

Defendants.

MIDWEST LEGAL PARTNERS, PLLC
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CUMMINGS, McCLOREY, DAVIS
& ACHO, P.L.C.
By: **RONALD G. ACHO** (P23913)
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Attorneys for Plaintiff
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**PLAINTIFF'S MOTION FOR LEAVE
TO FILE AFFIDAVIT UNDER SEAL**

NOW COMES Plaintiff, DR. JOHN DOE, M.D., by and through his

attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, PLC by RONALD G. ACHO, and MIDWEST LEGAL PARTNERS, PLLC, by SAIF R. KASMIKHA, and pursuant to E.D. Mich. L. Civ. R. 5.3(b), request that this Honorable Court allow Plaintiff to file Affidavit Under Seal, for the reasons stated in the attached Brief in Support of this Motion.

Concurrence in the relief requested in this Motion was sought by email on January 25, 2022, but was not provided, necessitating the filing of this Motion.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order granting Plaintiff leave to File Affidavit Under Seal and permit the Plaintiff to file, under seal, an unredacted copy of the Affidavit as set forth above.

Respectfully submitted,

/s/ Ronald G. Acho

Dated: January 25, 2022

Ronald G. Acho
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Dated: January 25, 2022

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**PLAINTIFF'S BRIEF IN SUPPORT OF HIS
MOTION FOR LEAVE TO FILE AFFIDAVIT UNDER SEAL**

NOW COMES Plaintiff, DR. JOHN DOE, M.D., by and through his

attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, PLC by RONALD G. ACHO, and MIDWEST LEGAL PARTNERS, PLLC, by SAIF R. KASMIKHA, and for his Brief in Support of his Motion for Leave to File Affidavit Under Seal, states as follows:

On December 29, 2021, Plaintiff filed his Verified Complaint in this matter. Plaintiff filed this case pseudonymously because to protect his identity in this public filing by not disclosing his name. On January 4, 2022, Defendants filed separate Motions to Dismiss. (**Dkt. No. 14**, *Defendant Board of Regents of University of Michigan's Motion to Dismiss*, Page ID 275-487; **Dkt. No. 15**, *Defendant Marie Lozon, M.D., and Defendant Justin Dimick, M.D.'s Motion to Dismiss*, PAGE ID 488-518). Concurrent with the filing of the instant Motion, Plaintiff is filing his Responses to these separate Motions to Dismiss.

Exhibit A to each Response Brief is an Affidavit signed by Dr. Doe, under his real name. A redacted version of the Affidavit has been filed with each Response Brief. The redacted portion of the Affidavit is Plaintiff's name and signature. With this Motion, Plaintiff seeks leave of this Court to file an unredacted version of Exhibit A under seal. E.D. Mich. L. Civ. R. 5.3(b) authorizes the Court to seal documents when sealing is not otherwise authorized by statute or rule. *Friske v. Scott*, 2008 WL 4239509 (E.D. Mich., September 11, 2008). Permitting the filing of this exhibit under seal preserves the confidentiality of Plaintiff's identity.

For these reasons, Plaintiff respectfully requests that this Honorable Court allow Plaintiff to file, under seal, an unredacted version of Exhibit A of his Response to Defendant Board of Regents of University of Michigan's Motion to Dismiss, and Exhibit A of his Response to Defendant Marie Lozon, M.D., and Defendant Justin Dimick, M.D.'s Motion to Dismiss.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order granting Plaintiff leave to File Affidavit Under Seal and permit the Plaintiff to file, under seal, an unredacted copy of the Affidavit as set forth above.

Respectfully Submitted,

/s/ Ronald G. Acho

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Dated: January 25, 2022

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Dated: January 25, 2022

LOCAL RULE CERTIFICATION

LOCAL RULE CERTIFICATION: I, RONALD G. ACHO, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for

quoted materials and footnotes; at least one-inch margins on the top, sides, and bottom, consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14-point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

Respectfully Submitted,

/s/ Ronald G. Acho
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(P 23913)

Dated: January 25, 2022

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification to all parties of record. I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: None.

/s/ Ronald G. Acho
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Dated: January 25, 2022